



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 22, 2015

BY ECF

The Honorable Kimba M. Wood
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Dean Skelos & Adam Skelos, S1 15 Cr. 317 (KMW)

Dear Judge Wood:

The Government respectfully writes in connection with the Superseding Indictment that was returned by the Grand Jury yesterday.

By way of background, the original Indictment included allegations related to a Malpractice Insurance Administrator as part of the extortion and honest services conspiracy charges against the defendants (Counts One and Two). The Superseding Indictment adds substantive counts of extortion (Count Five) and bribery (Count Eight) related to the same Malpractice Insurance Administrator. The Government already produced Rule 16 discovery related to this scheme in advance of the June 22 discovery deadline set by the Court and has been producing any supplemental discovery that has come into its possession since that date.

The Government respectfully requests that the defendants be arraigned on the Superseding Indictment at the July 30, 2015 pretrial conference. The Government also respectfully requests that the Court exclude time under the Speedy Trial Act with respect to the Superseding Indictment to allow time for defense counsel to continue to review discovery and consider what motions, if any, they wish to file.¹ Defense counsel for each of the defendants consents to the Government's requests.

¹ The Government makes the motion to exclude time in an abundance of caution although the Court already excluded time with respect to the original Indictment until the July 30, 2015 conference. *See United States v. Roman*, 822 F.2d 261, 264 (2d Cir. 1987) ("[W]here the original indictment is pending when the subsequent charge is filed and the superseding indictment contains an 'offense required to be joined with an originally charged offense', the offenses contained in the superseding indictment shall inherit both the 70-day time clock of the original indictment and the exclusions granted thereunder.").

If these requests are agreeable to the Court, the Government respectfully encloses a proposed order for the Court's consideration.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: /s/
Rahul Mukhi/Jason A. Masimore/Tatiana Martins
Assistant United States Attorney
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Enclosure

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, : ORDER
:
- v. - : S1 15 Cr. 317 (KMW)
:
DEAN SKELOS and ADAM SKELOS, :
:
Defendants. :
:
-----X

It is hereby ORDERED that the defendants will be arraigned on Superseding Indictment S1 15 Cr. 317 (KMW) at the pretrial conference on July 30, 2015 at 11:00 a.m. It is further hereby ORDERED that, upon the consent of the parties, the time between July 22, 2015 and July 30, 2015, is hereby excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), for the reasons set forth in the Government's application, dated July 22, 2015, namely, to allow time for defense counsel to review discovery and consider what motions, if any, to file. The Court finds that the ends of justice served by granting of a continuance outweigh the interests of the public and the defendants in a speedy trial.

Dated: New York, New York
July ____, 2015

THE HONORABLE KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK